

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.
★ NOV 02 2016 ★
BROOKLYN OFFICE

Markene Argilagos

Write the full name of each plaintiff.

CV 16-6255
No be filled out by Clerk's Office

-against-

NYPD 113th Precinct

COMPLAINT
(Prisoner)

Do you want a jury trial?
☒ Yes ☐ No

BRODIE, J.

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

BLOOM, M.J.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS 60637

156-0140

[illegible]

LEID098

ALM MOORE

[illegible]

ACKNOWLEDGMENTS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE BY THE NATIONAL ARCHIVES. DATE 08-11-2010 BY 60322 UCBAW/STP

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other: violation of personal effects

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Marlene Dense Argilagos
First Name Middle Initial Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

1411608318

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

AMSC Bikers Island.
Current Place of Detention

19-19 Hazen st
Institutional Address

East Elmhurst NY. 11370
County, City State Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced prisoner
☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

Rivera.

First Name	Last Name	Shield #
<i>Officer of N4PD</i>		
Current Job Title (or other identifying information)		
<i>Bailey 113th Precinct</i>		
Current Work Address		
<i>Jamaica</i>	<i>NY</i>	<i>11434</i>
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 4:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: 113th Precinct

Date(s) of occurrence: June 19th 2016

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On June 19 2016 at around 10pm - 12am at
the 113th precinct I, Marlene Argibagos, was placed
in a holding cell fully naked and when
brought out to put my dress on officer
Privera deliberately dropped my dress in a
puddle of dirty water on the floor. He then
stepped on it rubbing the dress in the dirty
water. And when I refused to put the drenched
dress on NYPD used excessive force in result
breaking 4 of my ribs.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Back spasm, Neck spasm, 4 broken ribs (rib cage),
Pain and suffering, Body Aches.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Pain and suffering and all medical expenses

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>10/22/16</u>		<u><i>Marlene Argilagos</i></u>
Dated		Plaintiff's Signature
<u>Marlene</u>	<u>Denise</u>	<u>Argilagos</u>
First Name	Middle Initial	Last Name
<u>19-19 Hazen st.</u>		
Prison Address		
<u>East Elmhurst</u>	<u>NY</u>	<u>11370</u>
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: _____